

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:)	CHAPTER 7
)	
I.E. LIQUIDATION, INC.,)	CASE NO. 06-62179
)	
Debtor.)	ADV. NO. 08-6078
)	
<hr/> I.E. LIQUIDATION, INC.,)	JUDGE RUSS KENDIG
)	
Plaintiff,)	
)	
v.)	ORDER ON DEFENDANT'S
)	MOTION TO DISMISS
LITOSTROJ HYDRO, INC.,)	
)	
Defendant.)	

Now before the Court is Defendant Litostroj Hydro, Inc.'s Motion to Dismiss Plaintiff's Complaint and Objection to Litostroj's Proof of Claim #132-1, filed September 30, 2008. For the reasons set forth in the accompanying memorandum of opinion, the Court hereby orders:

1. Defendant's motion to dismiss Plaintiff's Complaint is **GRANTED** as to Count 1 (first claim for relief), subject to the following conditions:
 - a. Defendant will submit to the service of process and waive any jurisdictional defenses in the appropriate Montreal forum;
 - b. In the Montreal proceedings, Defendant will waive any statute of limitations defense or similar defense whether arising under the laws of Ohio, Quebec, or another source;
 - c. Defendant agrees to allow this Court to resume adjudication of this matter if any judgments obtained against it by Plaintiff is not properly satisfied, or if the courts of Quebec for any reason find they lack jurisdiction over this matter;
 - d. Defendant agrees to allow this Court to resume adjudication of this matter and permit Plaintiff to amend its complaint here to reinstate those counts dismissed by these orders if at any point it appears that a final order cannot or will not be rendered in the courts of Quebec within four years from the entry of this order.

2. Defendant's motion to dismiss Plaintiff's Objection to Proof of Claim #132-1 is **DENIED**. The Objection and the remainder of Plaintiff's Complaint are hereby stayed pending resolution of Plaintiff's breach of contract claim in the appropriate Montreal forum.

This adversary will not be administratively closed, and the Court expressly reserves jurisdiction over the matters contained therein.

So ordered.

/s/ Russ Kendig

RUSS KENDIG
U.S. BANKRUPTCY JUDGE

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